

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number: 05-1999

USDC Docket Number : 05-cv-10277

Abel A Dada

v.

United States of America

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**CLERK'S SUPPLEMENTAL CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered (02-cr-10064 underlying criminal case) are original pleadings to be included with the record on appeal in the above entitled case.

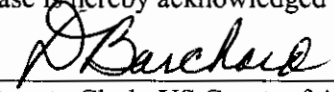
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 13, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7/13/05.

  
Deputy Clerk, US Court of Appeals

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:02-cr-10064-GAO-ALL**

Case title: USA v. Charles  
Magistrate judge case number: 1:02-mj-  
00204

Date Filed: 03/05/2002

Assigned to: Judge George A.  
O'Toole, Jr

**Defendant**

**Dulcinea Charles (1)**  
*TERMINATED: 10/02/2003*

represented by **James B. Krasnool**  
23 Main Street  
Terrace Level  
Andover, MA 01810  
978-475-9955  
Fax: 978-474-9005  
Email:  
james@krasnoolaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*  
*Designation: Retained*

**Stephen A. Lagana**  
Lagana & Associates  
145 Essex Street  
Lawrence, MA 01840-0149  
978-794-2331  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*  
*Designation: Retained*

## Pending Counts

8:1324(a)(2)(B)(ii).F-  
ATTEMPTED ALIEN  
SMUGGLING

(1)

8:1324(a)(2)(B)(ii).F-  
ATTEMPT TO ILLEGAL  
ALIEN INTO U.S.

(1s)

8:1324(a)(2)(B)(ii).F-  
ATTEMPT TO ILLEGAL  
ALIEN INTO U.S.

(1s)

8:1324(a)(2)(B)(ii).F-  
ATTEMPT TO ILLEGAL  
ALIEN INTO U.S.

(1s-6s)

8:1324(a)(2)(B)(ii).F-  
ATTEMPT TO ILLEGAL  
ALIEN INTO U.S.

(2s-6s)

### Highest Offense Level

(Opening)

## Felony

## Disposition

### Terminated Counts

8:1324(a)(2)(B)(ii).F-  
ATTEMPT TO ILLEGAL  
ALIEN INTO U.S.

(2s-6s)

### Disposition

### Highest Offense Level

**(Terminated)**

Felony

**Complaints**

**Disposition**

None

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**Notice**

**Pretrial Services**

represented by **Pretrial Services**  
US Pretrial Services  
1 Courthouse Way  
Boston, MA 02210  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

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**Notice**

**Probation Office**

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**Plaintiff**

**USA**

represented by **Amy B. Lederer**  
United States Attorney's  
Office  
John Joseph Moakley Federal  
Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3100  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

<b>Date</b>		
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Filed	#	Docket Text
01/08/2002	(1)	COMPLAINT as to Dulcinea Charles , filed. [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002	(2)	AFFIDAVIT of Thomas M. Hopkins, by USA as to Dulcinea Charles , re: [1-1] complaint , filed. [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002		Arrest warrant issued as to Dulcinea Charles . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002		Initial appearance as to Dulcinea Charles held ; Detention Hearing set for 2:30 1/10/02 for Dulcinea Charles (Defendant informed of rights.) [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002		ARREST of Dulcinea Charles . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002	(3)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: initial appearance; ; Court Reporter: tape; the government states the maximum penalty and the basis for detention pursuant to 18USC 3142 (F)(2)(A). the court temporarily detains the defendant and remands the defendant to the custody of the marshal. [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/08/2002	(4)	CJA 23 FINANCIAL AFFIDAVIT by Dulcinea Charles , as to Dulcinea Charles , filed. [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/10/2002		MOTION made in open court by Dulcinea Charles , to continue . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/10/2002		Mag. Judge Joyce L. Alexander . ORAL ORDER as to Dulcinea Charles granting [0-0] oral motion to continue as to Dulcinea Charles (1) . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/10/2002	(5)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES

		as to Dulcinea Charles , re: detention hearing,, reset Detention Hearing for 2:30 1/11/02 for Dulcinea Charles ; Court Reporter: tape [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/11/2002		Preliminary Examination as to Dulcinea Charles held . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/11/2002		Detention hearing as to Dulcinea Charles held . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/11/2002	(6)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: preliminary examination; ; Court Reporter: tape; the government and defense offer evidence. the government and defense rest.the government and defense offer closing argument. the court allows the defendant's motion for release. the defendant is directed to post the bail at \$50,000 unsecured bond with conditions; the court temporarily detains the defendant and remands the defendant to the custody of the marshal until all conditions of release are complied with by the defendant. [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/11/2002		50,000 appearance BOND entered as to Dulcinea Charles . [ 1:02-m -204 ] (sad) (Entered: 01/22/2002)
01/11/2002	(7)	Mag. Judge Joyce L. Alexander . ORDER entered setting Conditions of Release for Dulcinea Charles : s restricted to home except for scheduled court appointments. Defendant executes a bond or agreement to forfeit upon failing to appear as required, the following sum of money or designated property \$50,000.00 w/ husband signed as surety unsecured. Surrender any passport to pretrial services by 1/14/02. Obtain no npassport. Submit to electronic monitoring program as directed by the supervising officer. Not to violate local, state or federal laws. notify PTS w/in 24 hours of new arrest. not work at the place of buisness which defendant owns. Airplane ticket to be returned



		to PTS . [ 1:02-m -204 ] (jdj) (Entered: 01/23/2002)
01/11/2002	(8)	Proposed Conditions for release by Dulcinea Charles filed in open court; c/s. [ 1:02-m -204 ] (sat) (Entered: 01/28/2002)
02/05/2002	9	JOINT MOTION by Dulcinea Charles, USA of Continuance in Interests of Justice , filed. [ 1:02-m -204 ] (sat) (Entered: 02/06/2002)
02/11/2002	(10)	Mag. Judge Joyce L. Alexander. ORDER on joint motion for continuance pursuant to 18 USC Sec. 3161 (h)(8)(A) (Docket #9) entered as to Dulcinea Charles:.....the relief sought by the parties must be resolved by the District Court Judge ....The parties' Joint Motion....is accordingly returned to the attorneys for the defendant and the government to be re-filed, if so desired, on the Miscellaneous Business Docket. SO ORDERED. [ 1:02-m -204 ] (sat) (Entered: 02/13/2002)
02/25/2002	(11)	Arrest warrant returned executed as to Dulcinea Charles on 1/8/02. [ 1:02-m -204 ] (sat) (Entered: 02/26/2002)
03/04/2002	(14)	Mag. Judge Joyce L. Alexander . ORDER entered as to Dulcinea Charles : Standard procedural order regarding electronic monitoring . (fmr) (Entered: 03/12/2002)
03/05/2002	12	INDICTMENT returned Dulcinea Charles (1) count(s) 1 . (sad) (Entered: 03/06/2002)
03/05/2002		Judge George A. O'Toole Jr. Referral to Mag. Judge Joyce L. Alexander as to Dulcinea Charles . Purpose: pretrial (sad) (Entered: 03/06/2002)
03/06/2002	(13)	MOTION by Dulcinea Charles to Modify Conditions of Release , filed. (fmr) (Entered: 03/08/2002)
03/08/2002	(15)	NOTICE issued of Hearing/Conference as to Dulcinea Charles, set Arraignment for 2:30 3/18/02 for

		Dulcinea Charles before Mag. Judge Joyce L. Alexander (fmr) (Entered: 03/12/2002)
03/18/2002		Arraignment as to Dulcinea Charles held Dulcinea Charles (1) count(s) 1 . (fmr) (Entered: 03/28/2002)
03/18/2002		PLEA entered by Dulcinea Charles . Court accepts plea. Not Guilty: , Dulcinea Charles (1) count(s) 1 (fmr) (Entered: 03/28/2002)
03/18/2002	(17)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: arraignment; dft pleas not guilty to all counts. ; Court Reporter: Tape (fmr) (Entered: 03/28/2002)
03/18/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [13-1] motion to Modify Conditions of Release as to Dulcinea Charles (1). (fmr) (Entered: 03/28/2002)
03/18/2002	18	NOTICE of Appearance of counsel for Dulcinea Charles , by Attorney James B. Krasnook. (fmr) (Entered: 03/28/2002)
03/26/2002	(16)	MOTION by Dulcinea Charles to Modify Conditions of Release by removing electronic monitoring , filed. (fmr) (Entered: 03/27/2002)
03/28/2002	(19)	Letter (non-motion) filed by USA by Amy B. Lederer as to Dulcinea Charles , dated: 3/25/02, re: rule 16 disclosure. (fmr) (Entered: 03/28/2002)
04/09/2002	(20)	RESPONSE by USA as to Dulcinea Charles in opposition to [16-1] motion to Modify Conditions of Release by removing electronic monitoring , filed. (fmr) (Entered: 04/16/2002)
04/19/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : denying [16-1] motion to Modify Conditions of Release by removing electronic monitoring as to Dulcinea Charles (1). (fmr) (Entered: 04/24/2002)



04/30/2002	(21)	STATUS REPORT by Dulcinea Charles, USA , filed. (fmr) (Entered: 05/01/2002)
04/30/2002	(22)	JOINT MOTION by Dulcinea Charles for order of excludable delay for the period of time from various dates to various dates , filed. (fmr) (Entered: 05/01/2002)
04/30/2002		Status conference as to Dulcinea Charles held . (fmr) (Entered: 05/07/2002)
04/30/2002	(23)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: status conference; ; Court Reporter: Tape (fmr) (Entered: 05/07/2002)
04/30/2002	(24)	Mag. Judge Joyce L. Alexander . REPORT AND ORDER ON INITIAL STATUS CONFERENCE filed by Magistrate as to Dulcinea Charles , setting set status conference for 10:00 6/20/02 for Dulcinea Charles before Mag. Judge Joyce L. Alexander . (fmr) (Entered: 05/07/2002)
05/02/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [22-1] joint motion for order of excludable delay for the period of time from various dates to various dates as to Dulcinea Charles (1). (fmr) (Entered: 05/08/2002)
05/23/2002		Motion(s) no longer referred as to Dulcinea Charles : [9-1] joint motion of Continuance in Interests of Justice as to Dulcinea Charles (1) . (dms) (Entered: 05/23/2002)
06/21/2002	25	JOINT MOTION by Dulcinea Charles for order of excludable delay for the period of time from 6/20/02 to 7/2/02 pursuant to: 18:3161 , filed. (fmr) (Entered: 06/28/2002)
07/01/2002	(26)	MOTION by Dulcinea Charles to Modify Conditions of Release as to electronic monitoring , filed. (fmr) (Entered: 07/09/2002)

07/01/2002		Status conference as to Dulcinea Charles held . (fmr) (Entered: 07/09/2002)
07/01/2002	(27)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: status conference;; reset status conference for 10:00 7/25/02 for Dulcinea Charles before Mag. Judge Joyce L. Alexander ; Court Reporter: Tape (fmr) (Entered: 07/09/2002)
07/01/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [25-1] joint motion for order of excludable delay for the period of time from 6/20/02 to 7/2/02 pursuant to: 18:3161 as to Dulcinea Charles (1). (fmr) (Entered: 07/09/2002)
07/05/2002	(28)	Mag. Judge Joyce L. Alexander . REPORT AND ORDER ON INTERIM STATUS CONFERENCE filed by Magistrate as to Dulcinea Charles , setting . (fmr) (Entered: 07/09/2002)
07/22/2002	(29)	STATUS REPORT by Dulcinea Charles, USA , filed. (fmr) (Entered: 07/23/2002)
07/23/2002	(30)	SUPERSEDING INDICTMENT returned as to Dulcinea Charles (1) count(s) 1s-6s . (sad) (Entered: 07/24/2002)
07/23/2002		Judge George A. O'Toole Jr. Referral to Mag. Judge Joyce L. Alexander as to Dulcinea Charles . Purpose: for pretrial (tmc) (Entered: 07/31/2002)
07/25/2002		Arraignment as to Dulcinea Charles held Dulcinea Charles (1) count(s) 1s-6s . (fmr) (Entered: 08/05/2002)
07/25/2002		PLEA entered by Dulcinea Charles . Court accepts plea. Not Guilty: , Dulcinea Charles (1) count(s) 1s-6s (fmr) (Entered: 08/05/2002)
07/25/2002	(31)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: arraignment;; set status conference for 2:00 9/19/02 for Dulcinea Charles

		before Mag. Judge Joyce L. Alexander ; Court Reporter: Tape (fmr) (Entered: 08/05/2002)
07/25/2002	(32)	Mag. Judge Joyce L. Alexander . REPORT AND ORDER ON INITIAL STATUS CONFERENCE filed by Magistrate as to Dulcinea Charles (fmr) (Entered: 08/05/2002)
07/26/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [26-1] motion to Modify Conditions of Release as to electronic monitoring as to Dulcinea Charles (1). (fmr) (Entered: 08/05/2002)
09/18/2002	(33)	MOTION by Dulcinea Charles to continue and to extend time to file dispositive motions (10/28/02) , filed. (fmr) (Entered: 09/18/2002)
09/24/2002	(34)	MOTION by Dulcinea Charles for order of excludable delay for the period of time from 9/6/02 to 11/30/02 , filed. (fmr) (Entered: 09/24/2002)
09/24/2002	(35)	MOTION by Dulcinea Charles to Modify Conditions of Release , filed. (fmr) (Entered: 09/25/2002)
09/26/2002		Ch. Mag Judge Marianne B. Bowler . ENDORSED ORDER as to Dulcinea Charles : granting [33-1] motion to continue and to extend time to file dispositive motions (10/28/02) as to Dulcinea Charles (1). (fmr) (Entered: 09/27/2002)
09/26/2002		Ch. Mag Judge Marianne B. Bowler . ENDORSED ORDER as to Dulcinea Charles : granting [34-1] motion for order of excludable delay for the period of time from 9/6/02 to 11/30/02 as to Dulcinea Charles (1). (fmr) (Entered: 09/27/2002)
09/26/2002		Ch. Mag Judge Marianne B. Bowler . ENDORSED ORDER as to Dulcinea Charles : granting [35-1] motion to Modify Conditions of Release as to Dulcinea Charles (1). (fmr) (Entered: 09/27/2002)



11/04/2002	(36)	MOTION by Dulcinea Charles to continue status hearing , filed cs. (jdj) (Entered: 11/07/2002)
11/05/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [36-1] motion to continue status hearing as to Dulcinea Charles (1), reset status conference for 2:00 11/12/02 for Dulcinea Charles . (jdj) (Entered: 11/07/2002)
11/05/2002	(37)	MOTION by Dulcinea Charles for order of excludable delay for the period of time from 11/5/02 to 11/12/02 pursuant to: , filed cs. (jdj) (Entered: 11/07/2002)
11/05/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [37-1] motion for order of excludable delay for the period of time from 11/5/02 to 11/12/02 pursuant to: as to Dulcinea Charles (1). (jdj) (Entered: 11/07/2002)
11/06/2002	(38)	JOINT STATUS REPORT by Dulcinea Charles, USA as to Dulcinea Charles , filed. (jdj) (Entered: 11/07/2002)
11/12/2002		Status conference as to Dulcinea Charles held . (jdj) (Entered: 12/02/2002)
11/12/2002	(41)	Mag. Judge Joyce L. Alexander . CLERK'S NOTES as to Dulcinea Charles , re: final status held; Case is hereby returned to the District Judge. Parties request that the court retain jurisdiction of the case until the filing of discovery motions, which are due 10 days after the date of this hearing. Court allows oral motion. (jdj) (Entered: 12/02/2002)
11/15/2002	(39)	JOINT MOTION by USA & Dulcinea Charles for order of excludable delay for the period of time from 4/21/02 to 4/29/02 and 7/27/02 to 9/5/02 pursuant to: 18 USC sec: 3161 (c) (1) , filed. (jdj) (Entered: 11/18/2002)
11/25/2002	(40)	MOTION by Dulcinea Charles for appropriate relief ,

		filed. Referred to Mag. Judge Joyce L. Alexander (jdj) (Entered: 11/26/2002)
11/25/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [39-1] joint motion for order of excludable delay for the period of time from 4/21/02 to 4/29/02 and 7/27/02 to 9/5/02 pursuant to: 18 USC sec: 3161 (c) (1) as to Dulcinea Charles (1). cc/cl (jdj) (Entered: 12/02/2002)
11/25/2002		Mag. Judge Joyce L. Alexander . ENDORSED ORDER as to Dulcinea Charles : granting [40-1] motion for appropriate relief as to Dulcinea Charles (1). (jdj) (Entered: 12/02/2002)
11/27/2002	42	Mag. Judge Joyce L. Alexander . Final STATUS REPORT filed by Magistrate as to Dulcinea Charles:Whereas all pretrial matters referred to this Court by the District Judge have been resolved, the case is hereby returned to the District Judge . (jdj) (Entered: 12/02/2002)
11/27/2002	•	Case as to Dulcinea Charles no longer referred to Joyce London Alexander. (Brown, Rex) (Entered: 10/20/2003)
12/05/2002	43	NOTICE issued of Hearing/Conference as to Dulcinea Charles, set pretrial conference for 3:15 12/19/02 for Dulcinea Charles cc/cl (jdj) (Entered: 12/05/2002)
12/19/2002	44	MOTION by Dulcinea Charles for appropriate relief , filed cs. (jdj) (Entered: 12/20/2002)
12/19/2002		Judge George A. O'Toole Jr. . ENDORSED ORDER as to Dulcinea Charles : granting [44-1] motion for appropriate relief as to Dulcinea Charles (1). cc/cl (jdj) (Entered: 12/20/2002)
12/19/2002		Pre-trial conference as to Dulcinea Charles held . (jdj) (Entered: 12/20/2002)
12/19/2002	45	Judge George A. O'Toole Jr. . CLERK'S NOTES as to



		Dulcinea Charles , re: pre-trial conference held;, set status conference for 2:15 3/6/03 for Dulcinea Charles , set Jury trial for 9:00 4/28/03 for Dulcinea Charles ;Bail conditions continue; time from 12/19/02 - 4/28/03 is excluded Reporter: Janet Konarski (jdj) (Entered: 12/20/2002)
02/13/2003	(46)	MOTION by Dulcinea Charles for appropriate relief , filed cs. (jdj) (Entered: 02/13/2003)
02/14/2003		Judge George A. O'Toole Jr. . ENDORSED ORDER as to Dulcinea Charles : granting [46-1] motion for appropriate relief as to Dulcinea Charles (1). cc/cl (jdj) (Entered: 02/14/2003)
03/19/2003	(47)	MOTION by Dulcinea Charles to Travel on March 22, 2003 thru March 23, 2003 , filed.c/s (eye) (Entered: 03/19/2003)
03/21/2003		Judge Patti B. Saris. ENDORSED ORDER as to Dulcinea Charles granting [47-1] motion to Travel on March 22, thru March 23, 2003 as to Dulcinea Charles (1). cc/cl (ms) (Entered: 03/21/2003)
03/21/2003		Judge Patti B. Saris . ENDORSED ORDER as to Dulcinea Charles : granting [47-1] motion to Travel on March 22, 2003 thru March 23, 2003 . cc/cl (eye) (Entered: 04/04/2003)
04/07/2003		Change of Plea Hearing as to Dulcinea Charles held . (eye) (Entered: 04/09/2003)
04/07/2003		PLEA entered by Dulcinea Charles . Court accepts plea. Guilty: Dulcinea Charles (1) count(s) 1s-6s (eye) (Entered: 04/09/2003)
04/07/2003	(49)	Judge George A. O'Toole Jr. . CLERK'S NOTES as to Dulcinea Charles, re: Change of Plea held; guilty plea accepted. Bail conditions continued with one additional condition; the defendant can attend church on Sunday mornings, set Sentencing for 2:00 7/7/03

		for Dulcinea Charles ; Court Reporter: Janet Konarski (eye) (Entered: 04/09/2003)
04/07/2003	50	Plea Agreement as to Dulcinea Charles , filed. (eye) (Entered: 04/09/2003)
04/07/2003	51	Judge George A. O'Toole Jr. . Procedural order re sentencing hearing as to Dulcinea Charles entered. set Sentencing for 2:00 7/7/03 for Dulcinea Charles cc/cl (eye) (Entered: 04/09/2003)
06/16/2003	52	MOTION to Continue Sentencing to Aug 8, 13,14,15,25,28,or 29 and MOTION for Extension of Time to July 2, 2003 to Fileobjection to presentence report as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 06/16/2003)
06/16/2003	53	MOTION to Modify Conditions of Release by relieving her of electronic monitoring pending sentencing as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 06/16/2003)
06/17/2003	54	MEMORANDUM in Opposition by USA as to Dulcinea Charles re 53 MOTION to Modify Conditions of Release c/s (Edge, Eugenia) (Entered: 06/18/2003)
06/19/2003		Judge George A. O'Toole Jr.: Endorsement ORDER entered granting 52 Motion to Continue date of sentence as to Dulcinea Charles (1); granting 52 Motion for Extension of Time to File objections to the Presentence Report as to Dulcinea Charles (1); denying 53 Motion to Modify Conditions of Release as to Dulcinea Charles (1); The new sentence date is at 2:15pm on September 25, 2003. NO FURTHER CONTINUANCES ALLOWED. (Lyness, Paul) (Entered: 07/07/2003)
06/30/2003	55	Letter (non-motion) regarding Support for defendant as to Dulcinea Charles (Edge, Eugenia) (Entered: 06/30/2003)

07/01/2003	56	ASSENTED TO MOTION Appropriate Relief as to Dulcinea Charles. c/s. (Edge, Eugenia) (Entered: 07/01/2003)
07/02/2003		Judge George A. O'Toole Jr.: ORDER entered granting 56 Motion Appropriate Relief as to Dulcinea Charles (1)cc/cl (Edge, Eugenia) (Entered: 07/02/2003)
07/16/2003	57	NOTICE OF HEARING as to Dulcinea Charles At the request of the probation department, the sentence date of September 25, 2003 is being rescheduled. Sentencing is now set for 10/2/2003 02:00 PM in Courtroom 9 before George A. O'Toole Jr.. Please make the necessary arrangements to be present for this sentencing. cc/cl(Lyness, Paul) (Entered: 07/16/2003)
09/10/2003	58	MOTION to Modify Conditions of Release as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 09/10/2003)
09/26/2003		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 58 Motion to Modify Conditions of Release as to Dulcinea Charles (1) (Lyness, Paul) (Entered: 09/30/2003)
10/01/2003	59	Government's Memorandum in Opposition to Defendant's Objections to the Presentence report. as to Dulcinea Charles : c/s (Edge, Eugenia) (Entered: 10/02/2003)
10/02/2003		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Sentencing held on 10/2/2003 for Dulcinea Charles (1), Count(s) 1s, 36 months imprisonment. The court recommends that the defendant participate in a mental health treatment, if available at the designated Bureau of Prisons facility. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00pm on 11/3/03 as notified by the United



		<p>States Marshal. 3 years supervised release: Deft. shall not possess a firearm. Special conditions: The defendant shall notify the United States Attorney Office for this district within 30 days of any change of mailing or residence address that occurs while any portion of the fine remains unpaid. Defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the probation officer. The defendant is to provide the probation officer access to any requested financial information. The financial information provided to the Probation Office by the defendant may be shared with the financial Litigation Unit of the U.S. Attorney's Office. The defendant is to participate in a mental health treatment program as directed by the United states Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$100.00 and fined \$2,000.00. The fine shall be paid immediately or according to a court-ordered repayment schedule. The fine is to be paid until the full amount (including any interest required by law) has been paid. The defendant is to pay the balance of the fine according to a repayment schedule as directed by probation or by a court order.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 10/03/2003)</p>
10/02/2003	60	<p>DISMISSAL OF COUNTS on Government Motion as to Dulcinea Charles. Counts dismissed: 2s-6s (Lyness, Paul) Modified on 10/3/2003 (Lyness, Paul). (Entered: 10/03/2003)</p>
10/02/2003		<p>Judge George A. O'Toole Jr.: ORDER entered DISMISSAL OF COUNTS on Government Motion as to Dulcinea Charles. Counts dismissed: 2s-6s (Lyness, Paul) (Entered: 10/03/2003)</p>
10/02/2003	61	<p>Judge George A. O'Toole Jr.: ORDER entered</p>

		JUDGMENT (Lyness, Paul) (Entered: 10/03/2003)
10/02/2003	●62	Judge George A. O'Toole Jr.: ORDER entered STATEMENT OF REASONS as to Dulcinea Charles (Lyness, Paul) (Entered: 10/03/2003)
10/06/2003	●63	NOTICE OF APPEAL entered by the court on behalf of defendant Dulcinea Charles, re 61 Judgment Filing fee \$ 105. Appeal Record due by 10/27/2003. (Lyness, Paul) (Entered: 10/06/2003)
10/09/2003	●65	MOTION for Appropriate Relief as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 10/15/2003)
10/09/2003	●66	MOTION to Correct 62 Statement of Reasons, 61 Judgment as to Dulcinea Charles .c/s (Edge, Eugenia) (Entered: 10/15/2003)
10/15/2003	●64	Certified and Transmitted Record on Appeal as to Dulcinea Charles to US Court of Appeals re 63 Notice of Appeal - Final Judgment (Ramos, Jeanette) (Entered: 10/15/2003)
10/20/2003	●67	USCA Case Number as to Dulcinea Charles 03-2399 for 63 Notice of Appeal - Final Judgment. (Abaid, Kim) (Entered: 10/20/2003)
10/20/2003	●68	Letter (non-motion) regarding Motion for Appropriate Relief as to Dulcinea Charles. "...gouvernement has no objection..." (Edge, Eugenia) (Entered: 10/21/2003)
10/22/2003	●69	RESPONSE to Motion by USA as to Dulcinea Charles re 66 MOTION to Correct 62 Statement of Reasons, 61 Judgment.c/s (Edge, Eugenia) (Entered: 10/22/2003)
10/27/2003	●72	Judge George A. O'Toole Jr.: Endorsed ORDER entered granting 65 Motion Motion for Appropriate relief and Motion to Correct Judgment as to Dulcinea Charles (1); granting 66 Motion to Correct as to Dulcinea Charles (1) (Lyness, Paul) Additional attachment(s) added on 10/31/2003 (Edge, Eugenia).



		(Entered: 10/29/2003)
10/27/2003	<u>70</u>	MOTION to Dismiss Count two through six of the Superseding Indictment as to Dulcinea Charles by USA. c/s(Edge, Eugenia) (Entered: 10/29/2003)
10/27/2003	•	Judge George A. O'Toole Jr.: Endorsed ORDER entered granting <u>70</u> Motion to Dismiss two through six of the Superseding Indictment as to Dulcinea Charles (1). cc/cl (Edge, Eugenia) (Entered: 10/29/2003)
10/29/2003	<u>71</u>	MOTION Change time of Reporting for Self-Surrender re Sentencing as to Dulcinea Charles . c/s (Edge, Eugenia) (Entered: 10/30/2003)
10/29/2003	•	Judge George A. O'Toole Jr.: Endorsed ORDER entered granting <u>71</u> Motion Change time of Reporting for Self Surrender as to Dulcinea Charles (1). cc/cl (Edge, Eugenia) (Entered: 10/30/2003)
11/04/2003	• <u>73</u>	ORDER of USCA (certified copy) as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment; Appellant has filed an Affidavit to Accompany Motion for Leave to Proceed in Forma Pauperis in this court that we request the district court to construe as a compliant motion to proceed on appeal in forma pauperis. We transmit the request to the district court for action. Fed. R. App. P. 24(a)(1). Copies of the district court's ruling shall be forwarded to this court. The district court, if it denies the motion, is requested to state its reasons in writing. Fed. R. App. P. 24(a)(2). If defendant-appellant is not granted in forma pauperis status by the district court, he may file a motion to proceed in forma pauperis in this court, provided that he do so in accordance with Fed. R. App. P. 24(a)(5). (Ramos, Jeanette) (Entered: 11/04/2003)
11/12/2003	• <u>74</u>	Judge George A. O'Toole Jr.: ORDER entered In accordance with the Order entered by the Court of Appeals on October 30, 2003, this Court construes the

		"Affidavit to Accompany Motion for Leave to Proceed in Forma Pauperis" as a compliant motion to proceed on appeal in forma pauperis. So construed, the motion is GRANTED. as to Dulcinea Charles (Lyness, Paul) (Entered: 11/13/2003)
11/13/2003	76	MOTION to Correct <u>61</u> Judgment as deals with the fine as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 11/18/2003)
11/14/2003	75	Transmitted Supplemental Record on Appeal as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment; Documents numbered 73,74 (Ramos, Jeanette) (Entered: 11/14/2003)
12/01/2003	77	Judgment Returned Executed as to Dulcinea Charles on November 3,2003. (Edge, Eugenia) (Entered: 12/03/2003)
12/05/2003	78	MOTION to Correct/Credit Petitioner with Restitution Paid. as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 12/08/2003)
12/08/2003	79	TRANSCRIPT of Sentencing as to Dulcinea Charles held on October 2, 2003 before Judge O'Toole. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter st 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 12/08/2003)
12/09/2003	80	Transmitted Supplemental Record on Appeal as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment; Document number 79 (Ramos, Jeanette) (Entered: 12/09/2003)
02/05/2004	81	MOTION for Appropriate Relief as to Dulcinea Charles . c/s(Edge, Eugenia) (Entered: 02/06/2004)
03/09/2004	82	TRANSCRIPT of Change of Plea as to Dulcinea Charles held on April 7, 2003 before Judge O'Toole.

		Court Reporter: Janet M. Konarki. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 781-982-3098 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/09/2004)
03/10/2004	<u>83</u>	Transmitted Supplemental Record on Appeal as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment, document number 82 (Ramos, Jeanette) (Entered: 03/10/2004)
03/24/2004	<u>84</u>	ORDER of USCA (certified copy) as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment; On February 25, 2004, Court Reporter Janet Konarski was notified that the transcript of the December 19, 2002 Pretrial Conference had not been filed in this case, and was asked to take action by March 10, 2004. It does not appear that the court reporter has filed the transcript in the district court, or in the alternative, a motion in the court of appeals for an extension of time to complete the transcript. Accordingly, the court directs Janet Konarski to produce the transcript by April 2, 2004, or to show cause by April 2, 2004 why she has failed to produce the transcript. A certified copy of this order will be forwarded to the district judge in accordance with Fed. R. App. P. 11(b)(1)(D). (Ramos, Jeanette) (Entered: 03/24/2004)
04/12/2004	<u>85</u>	ORDER of USCA (certified copy) as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment; Court Reporter Janet Konarski was directed by order dated March 19, 2004 to show cause, in writing, on or before April 2, 2004 any reason why the transcript of the December 19, 2002 Pretrial Conference in the above captioned appeal could not be filed by April 2, 2004. The order further directed that absent adequate response, the complete transcript was to be filed by April 2, 2004. As Janet Konarski has not responded to the order or filed the transcript, it would appear that



		she is in contempt of this Court's March 19, 2004 order. Accordingly, Janet Konarski is directed to show cause, in writhing, on or before April 21, 2004 why she should not be held in contempt. Failure to do either file the above-mentioned transcript or respond to this order by April 21, 2004 will lead to this court issuing and order holding Janet Konarski in contempt. (Ramos, Jeanette) (Entered: 04/12/2004)
04/30/2004	●86	TRANSCRIPT of Proceedings as to Dulcinea Charles held on December 19, 2002 before Judge O'Toole. Court Reporter: Janet M. Konarski. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 781-982-3098 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/30/2004)
05/05/2004	●87	Transmitted Supplemental Record on Appeal as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment, document number 86 (Ramos, Jeanette) (Entered: 05/06/2004)
08/30/2004	●88	Letter (non-motion) as to Dulcinea Charles (Barrette, Mark) (Entered: 09/09/2004)
09/23/2004	●89	JUDGMENT of USCA (certified copy) as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment. Defendant, Dulcinea Charles, appeals her mandatory minimum sentence of 36 months. The government moves for summary affirmance. After reviewing the parties' briefs and record, we affirm. (Ramos, Jeanette) (Entered: 09/23/2004)
10/13/2004	●90	MANDATE of USCA (certified copy) as to Dulcinea Charles re <u>63</u> Notice of Appeal - Final Judgment. After reviewing the parties' briefs and the record, we affirm. AFFIRMED. (Ramos, Jeanette) (Entered: 10/13/2004)
11/10/2004	●	Appeal Record Returned as to Dulcinea Charles : <u>63</u>

		Notice of Appeal - Final Judgment (Ramos, Jeanette) (Entered: 11/10/2004)
12/20/2004	●	Judge George A. O'Toole Jr.: Electronic ORDER entered terminating <u>76</u> Motion to Correct as to Dulcinea Charles (1); terminating <u>78</u> Motion to Correct as to Dulcinea Charles (1); terminating <u>81</u> Motion as to Dulcinea Charles (1) (Lyness, Paul) (Entered: 12/20/2004)
02/03/2005	●91	MOTION to Vacate under 28 U.S.C. 2255 ( Civil Action 05-cv-10277.) as to Dulcinea Charles. (Abaid, Kim) (Entered: 02/11/2005)